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To: Microsoft ATR
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Subject: microsoft settlement

Ms. Hesse-

While nonchalantly frittering away my day at work surfing the internet looking for news about the Enron debacle, I somehow stumbled onto a business news site, and ultimately, after a strange series of twists and turns on the Al Gore Soopahighway, ended up on the US vs. Microsoft site.
<http://www.usdoj.gov/atr/cases/ms-settle.htm>

I hadn't realized I was so timely with my search, since the Tunney Act stipulations expire here in a couple of days. Since this is a very democratic republic (viz. Tocqueville), the public actually gets to give its input on the "Public Interest." Excellent.

I want to come out and say that Microsoft has frankly been on the receiving end of the proverbial shaft. This settlement is insane. It scavenges over the intellectual property of Microsoft like vultures in the desert. At the same time, we tell our comrades in China about our commitment to private property -- particularly intellectual property -- and how it is necessary to respect those fundamental rights if they wish to join the WTO. I am sure that there are others who gloat at the irony of how we begin to promote software piracy (and hacking) just as we warn other countries that we value the rule of law to promote success.

Next, changing the power of licensing from the licenser (a software trust) to the licensees (an OEM trust) is a great idea that won't change a darn thing for consumers. Saying that this has anything to do with the public is disingenuous at best. The OEMs, so oppressed by that demon Microsoft, include the poverty-stricken firms of Dell, IBM, and Compaq.

The same vow of poverty holds true for Sun Microsystems, AOL, and Oracle, who also are prime litigants in the trial of how Microsoft is a sole corporate tyrant. Sun in particular is the most amusing, since on its website it complains about Microsoft having "monopoly power," while at the same time putting this ironic tagline at the end:

"[Sun is] a leading provider of industrial-strength hardware, software and services that power the Internet and allow companies worldwide to ".com" their businesses. With \$13 billion [yes, Billion] in annual revenues, Sun can be found in more than 170 countries..."

<http://www.sun.com/smi/Press/sunflash/2000-04/sunflash.20000403.4.html>

It doesn't really seem to me that Microsoft is pushing these guys out of the market.

I realize that the good AG was put in a bad position politically and had to compromise -- dropping the case like bricks would have been rather hard to justify to a great deal of loud and important people like the Senate Judiciary Committee and the AOL/Sun/Oracle cartel. Due to the way Washington works, it's very difficult to avoid that. Still, if there was any justice in the world, we'd drop this suit altogether, and have President Bush use some peculiar anachronistic executive pardoning power to vindicate Microsoft. Of course, if there was justice in the world, we'd also hang John Walker Lindh at high noon.

Thank you for hearing my thoughts on this important matter. Keep up the good work at the DOJ, and tell Mr. Ashcroft to hang in there -- AG has to be one of the most difficult jobs on Earth these days.

Yours,
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